

15-09
**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AMENDING ARTICLE X. OF CHAPTER 94, ZONING, IN
THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Article X. of Chapter 94, Zoning, is hereby amended in the Code of the Borough of Merchantville, as follows:

**Article X.
Signs**

ARTICLE I. ARTICLE X. SECTION 94-54 Scope of applicability.

In the Borough of Merchantville, signs shall be erected, altered, maintained, used, removed, relettered or moved only in compliance with the provisions of this Article.

ARTICLE II. ARTICLE X. SECTION 94-54.1 Definitions.

A. Applicability of definitions. Words as defined in Article II of Chapter 94, Zoning, in the Code of the Borough of Merchantville shall apply to this Article in addition to the following definitions more specifically applicable to this Article.

B. Additional definitions. As used in this Article, the following terms shall have the meanings indicated:

BUSINESS BANNER - A temporary sign placed on the exterior of a business or inside the display window of a business advertising sales events, a new service or grand openings.

COMMERCIAL INFORMATION SIGN - A sign or decal located on, in, or visible

through a window of an office, business or retail establishment which informs the public that the establishment accepts certain credit cards, is protected by a certain security agency or alarm system, has certain hours of operation, is a member of certain professional or business associations, or provides similar information.

DEVIATIONS - Approvals by the Joint Land Use Board for a sign permit, following an appeal from the Historic Preservation Commission, for items not specifically provided for by this Article.

DOUBLE-SIDED SIGN - A sign with two back-to-back faces and identical on both sides. It shall be measured by using the area of only one side of the sign. Where a sign with two back-to-back faces has non-identical sides, it shall be considered two signs.

FLAG - Includes a display of cloth or fabric with symbols, icons, and/or designs which is affixed to a flagpole that is freestanding or mounted to the exterior of a building. The field of the flag shall not include logos, trademarks, or other such commercial symbols or expressions. The field of the flag may include up to seven (7) words. Plastic shall not be used for a flag. Pennants and windsocks are considered to be flags.

FREESTANDING SIGN - A sign that is not attached to any building. This may include easel signs and pedestal signs. A sign that is mounted on a post is a freestanding sign.

FUNCTIONAL SIGN - A sign that provides directional, informational, safety or public service information, such as, but not limited to, a sign indicating the location of public rest rooms, telephones or similar facilities of public convenience, or providing a place for the posting of public announcements. A functional sign shall not include any commercial name or commercial message, except as hereinafter expressly permitted.

HISTORICAL IDENTIFICATION SIGN - A sign or marker identifying an historic

structure or site, and providing information about the significance of the structure or site, and posted by a governmental entity or agency, or by the Historical Society of Merchantville, the Camden County Historical Society, the New Jersey Historical Society, the Daughters of the American Revolution, or the Merchantville Historic Preservation Society.

INSTITUTIONAL SIGN - A sign for any formally organized house of worship, any charitable, fraternal or eleemosynary organization or agency, or any public school or public building.

INTERIM BUSINESS SIGN - A sign provided for new businesses pending approval of their formal sign application.

INTERNALLY LIGHTED SIGN - A sign with the source of artificial illumination within the sign and behind the text or message.

LEGAL NONCONFORMING SIGN - A sign for which a valid sign permit has been granted prior to the effective date of this Article, or which predates any regulation of signs in the Borough of Merchantville.

MOBILE SIGN - An exterior temporary sign, with or without wheels, that is portable.

OFFICIAL SIGN - A sign erected, constructed or maintained by a federal, state, county or local government, or any agency thereof, or by any licensed public utility, for the purpose of informing or guiding the public, or for the protection of the public health, safety or welfare, or for the public's convenience.

OFF-SITE SIGN - A sign located on a tax lot other than the lot occupied by the use, event or product which the sign identifies.

POLITICAL SIGN - A sign expressing support for or opposition to a candidate for public office, an opinion about any public figure, or expressing support or opposition to a particular idea or belief.

PRIVATE PARKING SIGN - A sign providing directional or safety information and serving a parking area that is privately owned and reserved for the use of certain employees, patrons or other persons serving the premises.

PROFESSIONAL SIGN - A sign that identifies the location of the office of a member of a recognized and legal profession maintained for the conduct of that profession, including attorneys, certified landscape architects, chiropractors, dentists, physicians, podiatrists, professional engineers, professional planners, psychologists, registered architects, certified public accountants, and no others.

PUBLIC BANNER - A temporary sign located on a public building, on a building belonging to a house of worship, or a charitable, fraternal, or eleemosynary organization or agency, or stretching across a public right-of-way (and erected and maintained with the permission of the Borough Council), which temporary sign promotes an activity, event or festival of a governmental agency, house of worship, or charitable, fraternal or eleemosynary organization or agency, or otherwise promotes the public good.

REAL ESTATE SIGN - A sign of an owner of real property or of a licensed real estate broker that indicates that a particular parcel or portion of real property is available for sale or lease.

RESIDENTIAL SIGN - A sign at a place of residence, which may set forth the names of the residents, the address and street name, and also may include a logo or symbol.

SIGN - A lettered board or other display, or any portion thereof, on which any announcement, declaration, demonstration, logo, presentation, illumination or insignia is used to promote the interest of any person.

STOREFRONT - A separate and individual volume for one office, commercial or business

use, which has its own frontage on a public right-of-way, which is on a tax lot with other storefronts or uses, and which is occupied by a use or entity that is distinct and separate from the uses or entities occupying the rest of the tax lot.

TEMPORARY INTERIOR ADVERTISING SIGN - A temporary sign advertising or describing a sale or the availability of particular merchandise or services, which is located in the interior of a business or retail establishment, and which is primarily intended to attract the attention of persons outside the business or retail establishment.

TEMPORARY SIGN - A sign that is not permanently attached to a building, structure, post or land, and which is designed or intended to be displayed for a limited period of time.

ARTICLE III. ARTICLE X. SECTION 94-54.2 Sign content.

A sign may include only the following information:

- A. The principal name of the business, proprietor or owner.
- B. A description of the principal goods, services, products or uses offered in the trade, which description shall not exceed ten (10) words and ten (10) numbers.
- C. A graphic logo or trademark symbol by which the business, proprietor or owner is identified, phone numbers and websites.
- D. The street number.
- E. The street name.
- F. Any other notice or information required to be provided by law or regulation.

ARTICLE IV. ARTICLE X. SECTION 94-54.3 Number of signs.

- A. There shall be no more than one sign per tax lot, except as follows:

(1) Where there is more than one building, office or storefront on one tax lot, one sign per building, office or storefront shall be permitted.

(2) Where more than one sign per tax lot is expressly permitted by this Article.

(3) Where a waiver has been granted by the Historic Preservation Commission or the Joint Land Use Board pursuant to this Article to permit more than one sign.

B. The following signs shall not be counted as signs for the purpose of determining the number of signs on a site under this subsection:

- (1) Public banners.
- (2) Business banners.
- (3) Commercial information signs.
- (4) Functional signs.
- (5) Historical identification signs.
- (6) Official signs.
- (7) Political signs.
- (8) Private parking signs.
- (9) Temporary signs.
- (10) Temporary interior advertising signs.
- (11) Bill of fare signs and/or Menus.
- (12) Flags.

ARTICLE V. ARTICLE X. SECTION 94-54.4 Location of signs.

A sign must be on the tax lot, building or storefront with which it is identified, unless a waiver has been granted by the Historic Preservation Commission pursuant to this Article. No signs

shall be allowed for or on accessory buildings.

ARTICLE VI. ARTICLE X. SECTION 94-54.5 Maximum and minimum size of signs.

A. The total area of all signs, except for signs counted per Section 94-54.3B of this Article, located on any one tax lot shall not exceed 40 square feet.

B. Where there is more than one building or storefront on one tax lot, the total square footage of all signs, except for those signs excluded above, shall not exceed 40 square feet per building or storefront.

C. This maximum square footage of signs may be reduced by application of the provisions of other sections of this Article.

ARTICLE VII. ARTICLE X. SECTION 94-54.6 Computation of size.

The size of any sign shall be computed by determining the area of the smallest quadrilateral into which the sign can fit, exclusive of supporting structure or decorative border, as permitted by this Article.

ARTICLE VIII. ARTICLE X. SECTION 94-54.7 Lighting of signs.

Illumination of a sign shall be arranged so that no substantial light or glare is directed or reflected onto adjacent streets or properties. No sign shall be illuminated between the hours of 12:01 a.m. and 7:00 a.m. if it creates any light or glare that substantially affects any dwelling or residential zone.

ARTICLE IX. ARTICLE X. SECTION 94-54.8 Sign plan.

Any sign on any one tax lot shall be part of a sign plan for the entire tax lot. Where there is more than one building or storefront on one tax lot, the sign plan may be limited to that one building or storefront. Signs for any one tax lot, building or storefront shall be considered as a unitary application, and a sign permit shall not be issued for any sign on any such tax lot, building or storefront unless it is part of a complete sign plan.

ARTICLE X. ARTICLE X. SECTION 94-54.9 Historic District.

A. In addition to the requirements set forth above for the particular zone, a sign in the Historic District shall conform to the requirements of this section of this Article.

B. Any sign in the Historic District shall be granted a permit only if its appearance, coloring, lettering, size, texture of materials, design, location, position and method of attachment and lighting conform to the historical and distinctive character of the Historic District, is not detrimental to the intent and plan of historic preservation, or to those buildings and structures having architectural and historical significance, and is in harmonious relationship to the streetscape and the signs located thereon.

C. Any sign on a building deemed historically significant in the in the Historic District shall not be placed on a building or structure so as to obscure or mar any architectural feature deemed to be important to the architectural integrity of the building or structure, or be so located so that the sign, by itself or by its means of attachment, would materially damage the structure to which it is attached.

D. The following signs shall not be subject to Historic District review:

- (1) Banners.
- (2) Commercial informational signs.

- (3) Legal nonconforming signs.
- (4) Official signs.
- (5) Political signs.
- (6) Residential signs.
- (7) Temporary signs.
- (8) Temporary interior advertising signs.
- (9) A-frame signs.
- (10) Bill of fare signs and/or Menus.
- (11) Flags.

ARTICLE XI. ARTICLE X. SECTION 94-54.10 Prohibited signs and sign locations.

A. The following signs and types of signs are prohibited:

- (1) Any flashing, blinking, twinkling, animated or moving sign, and any sign which presents an illusion of movement.
- (2) Any sign erected, constructed or maintained so as to obstruct any fire escape, door or other legally required means of egress from the structure, or blocking any door, window or other opening required by law.
- (3) Any sign which has any form, character, lighting, color, content, location or shape that may confuse or distract the operator of a motor vehicle.
- (4) Any sign which in any way simulates any official, functional, directional, or warning sign erected or maintained by any federal, state, county or local government or any instrumentality thereof, or by any railroad or public utility.

- (5) Any off-site commercial sign, unless expressly permitted by this Article.
- (6) Any mobile sign, except that a business may have one (1) A-frame sign immediately adjacent to its property unless business is faces multiple streets in which case a business is able to have one A-frame sign per street,
- (7) Any neon sign, except as permitted by the Joint Land Use Board and/or the Historic Preservation Committee, as appropriate.
- (8) Any interior neon sign.
- (9) Any other sign of any kind whatsoever that is not expressly allowed by this Article, except as permitted by the Joint Land Use Board and/or the Historic Preservation Committee, as appropriate.

B. The following locations for signs are prohibited.

- (1) Within or over any state, county or municipal right-of-way, except by permission of the Borough Council. The Historic Preservation Commission, in considering whether to grant a permit for any such sign, shall consider vehicular and pedestrian safety.
- (2) On any roof, including a pent roof, of any structure, except as permitted by the Joint Land Use Board and/or the Historic Preservation Committee, as appropriate.
- (3) Directly painted on any part of a structure other than a fascia board or other architectural element designed to serve as a signboard.
- (4) Affixed or painted on trees, rocks, fences, gates, curbs, public rights-of-way, walkways, utility poles, or other signs.
- (5) Where the sign, by itself or by its means of attachment, would materially damage the structure to which it is attached.
- (6) Located so as to allow less than seven feet clearance over any pedestrian

walkway.

ARTICLE XII. ARTICLE X. SECTION 94-54.11 Compliance with standards required.

A. Any sign proposed for any of the following uses shall meet the following requirements set forth for the particular use unless expressly exempted from such review by this Article.

B. Any public banner, as defined in this Article, which is intended to be installed across a public right-of-way, shall not be installed until approved by the Borough Council and, the County of Camden, and upon installation shall be inspected by the Borough Construction Code Official, or his designee, to ensure proper installation and height clearance for the flow of traffic thereunder.

ARTICLE XIII. ARTICLE X. SECTION 94-54.12 Retail, business, professional or residential office uses.

A. Façade signs for retail uses shall not exceed 1/2 square foot of sign area for each linear foot of building or storefront frontage on the public right-of-way and shall not exceed 40 square feet.

B. Signs for offices, business offices or professional offices uses shall not exceed 1.2 square feet for the first occupant or business tenant or professional and shall not exceed one square foot for each additional occupant or business tenant or professional, up to a maximum of six square feet. Each name used on the sign determines the separate occupant or business tenant or professional for the purpose of the above calculation.

C. Create allowance for “Perpendicular sign” at minimum for 12 feet height above street but not to exceed 15 feet. Signs should be minimum 10 square feet not to exceed 15 square feet in

size.

D. Signs in nonresidential zones may also include a decorative border not exceeding one inch on a side, which shall include no text, logo or lettering.

E. Where a single tax lot, building or storefront has frontage on more than one public right-of-way, it shall be entitled to have a sign on its primary frontage and one additional sign on its secondary frontage. The size of the sign or signs permitted shall be calculated independently for each separate frontage. Permitted sign area is not transferable from one frontage to another.

F. Where a single tax lot, building or storefront with frontage only on one public right-of-way has multiple entrances or uses, each with either a separate entrance or display window, each such entrance or use shall be entitled to one sign. Where one entrance serves a business or professional use, the sign for that use shall conform to the requirements of that use.

ARTICLE XIV. ARTICLE X. SECTION 94-54.13 Institutional uses.

A. Signs for institutional uses, including the institutional name, shall not exceed a total of 15 square feet in area.

B. Any such sign may include a place for changeable text to inform the public of events, programs, holidays, or other information of public interest that the institution wishes to promote.

ARTICLE XV. ARTICLE X. SECTION 94-54.14 Restaurants.

A. Restaurants shall be permitted to display (1) below and either (2) or (3) below, in addition to their primary sign with restaurant name and description.

(1) A menu of food and/or beverages placed in the restaurant window or a bill-of-fare/menu sign in a display case mounted on the exterior of the restaurant building facade. Such

window menu or display case shall not exceed 1.5 square feet in area.

(2) A bill of fare of food and/or beverage offerings on a freestanding, one-sided easel/pedestal, a double-sided A-frame sign or on a one-sided wall-mounted board with erasable text wherein such text shall not exceed six square feet in area and shall be removed at the end of the business day. White boards are not permitted on freestanding signs or wall-mounted signs.

(3) Temporary signs as permitted under Section 94-54.18B. Maximum time and/or duration shall be as permitted by that section.

B. Any freestanding bill-of-fair sign must receive approval under the outdoor marketing graphic display requirements in Section 94-54.25 of this Article. A mounted display case must receive Historic Preservation Commission approval.

ARTICLE XVI. ARTICLE X. SECTION 94-54.15 Barbershops.

A. A barbershop shall be permitted to display one barbershop pole.

B. A barbershop pole means the traditional red, white and blue striped cylindrical pole, which may or may not rotate, that is approximately six feet in height or less and contains no written words, symbols, and/or text.

C. The barbershop pole may be mounted to the front facade of the barbershop or may be freestanding in front of the barbershop. If the barbershop pole is mounted within the public right-of-way, or encroaches within the public right-of-way, permission must be obtained from the Borough Council of the Borough of Merchantville.

D. A sign permit is required for the barbershop pole.

ARTICLE XVII. ARTICLE X. SECTION 94-54.16 Residential uses.

- A. Signs on residences shall not exceed two square feet in size.
- B. Such signs shall not include any commercial message.
- C. Residential signs shall not require any sign permit.

ARTICLE XVIII. ARTICLE X. SECTION 94-54.17 Temporary signs.

- A. Signs of real estate brokers, contractors, tradesmen and artisans:

- (1) Any such sign is permitted only during the period of time when the person or business posting the sign is actively engaged in performing the service on or for the premises where the sign is placed.

- (2) Any such sign shall not exceed six square feet in size.

- (3) Only one sign per tax lot, building or storefront is permitted for each person actively engaged in performing a service on or for the premises.

- (4) Any such sign may include the principal name of the real estate broker (and any listing agent), contractor, tradesman or artisan, and may include a brief one-line description of the principal service offered. It may also include a logo or trademark by which the service is identified, a business address, and a telephone number.

- (5) Any such sign shall be located only upon the tax lot, building or storefront upon which the service is being performed, and only with the permission of the owner thereof. Any such sign shall not be located in any public right-of-way, in the park strip, or upon any other tax lot.

- (6) Notwithstanding the foregoing, a real estate broker (or any resident selling his or her own residence) may place one temporary sign advising the public of an open house on the tax lot. This sign shall be displayed only on the day of the open house, shall not include lighting or sound

generation equipment, and may include the hours of the open house.

B. Temporary advertising signs:

(1) A temporary advertising sign can be either a temporary interior advertising sign or a business banner.

(2) A display sign or banner cannot be larger than the permitted sign and cannot exceed the total width of the display window(s).

(3) Display sign or banners cannot cover the business sign and cannot cover key architectural features.

(4) The sign or banner must be placed on the business it advertises.

(5) No other items may be affixed to store windows (including newspaper articles, product promotions, etc.), except for restaurant menus, as defined in Section 94-54.15.

(6) Freestanding signs advertising sales are not permitted, except as otherwise provided for, herein.

C. Political signs:

(1) Any such sign shall only be permitted on private property with the permission of the property owner.

(2) Any such signs placed in the public right-of-way within or over any state, county or municipal right-of-way may be removed and disposed of by the Borough without notice.

(3) Any such sign related to a candidate or referendum to be voted on at an election shall not be erected or attached prior to 60 days before the election day for which the subject will be voted on and must be removed within 14 days after the election day for which the subject was voted on.

(4) Any such signs must otherwise not violate any of the prohibitions listed in Section 94-54.10 of this Article.

ARTICLE XIX. ARTICLE X. SECTION 94-54.18 Private parking signs.

A. Any such sign shall contain only lettering or text to describe the function to be served, such as “Parking,” “Reserved Parking,” “Handicapped Parking,” “One Way,” “Out,” “In,” “Entrance,” “Exit,” or the name or names of the persons or class of persons for whom the use of a particular parking space is reserved.

B. Any such sign shall not exceed the size of the smallest standard municipal sign bearing the same or a similar message. Where there is no similar standard municipal sign, any such sign shall not exceed two square feet.

C. Where any such sign is remote from the building or use served, the sign may contain the name of the building or use, which name shall not exceed 1/2 of the total sign area. Directional parking signage shall be permitted only on the street where the driveway to the business is located.

D. Any such signs shall be part of an initial site plan application, and shall be considered as part of the sign plan of any tax lot.

ARTICLE XX. ARTICLE X. SECTION 94-54.19 Functional signs.

A. Any such sign shall contain only lettering or text to describe the function to be served, such as “Public Rest Rooms,” “Telephone,” or similar messages, or shall provide a place for the posting of public announcements.

B. Any such sign shall not exceed the size of the smallest standard municipal sign bearing the same or a similar message. Where there is no similar standard municipal sign, any such

sign shall not exceed two square feet, except in the case of public message board provided by a nonprofit civic organization, which shall not exceed 10 square feet.

C. Any such signs shall be part of an initial site plan application, and shall be considered as part of the sign plan of any tax lot.

D. The number of such signs permitted for any one tax lot shall be the minimum number reasonably necessary to inform the public of the services available at the premises. No more than one sign for each individual service shall be allowed. If the owner desires to have more than one sign for each individual service, it shall only be allowed by way of a sign permit issued pursuant to this Article.

E. Any public message board may also include the name of the government or nonprofit civic organization providing the sign.

ARTICLE XXI. ARTICLE X. SECTION 94-54.20 Signs on awnings.

A. Signs on awnings shall be considered one sign. No awning shall have signage on more than two separate planes or surfaces, except that the awning side flaps may display the building or property address number.

B. Awnings shall meet the requirements for awnings under any other governmental statute, ordinance or regulation.

ARTICLE XXII. ARTICLE X. SECTION 94-54.21 Commercial informational signs.

No office, business or retail establishment shall display commercial informational signs having more than one square foot in aggregate area. Store hours signs, with a maximum area not to

exceed 108 square inches (i.e., nine inches by 12 inches) may be placed in a location near the entrance of to the store.

ARTICLE XXIII. ARTICLE X. SECTION 94-54.22 Interim business signs.

A. The Zoning Officer may permit a new business to display an interim business sign pending the necessary approvals for the business' permanent signage.

B. Such sign must comply in size, lettering, etc., with the provisions of this Article.

C. The sign must be placed in approximately the same location as the permanent sign would go unless approved otherwise by the Zoning Officer due to practical considerations.

D. The interim business sign must be removed upon installation of the permanent signage, or the expiration of 90 days, whichever is sooner.

ARTICLE XXIV. ARTICLE X. SECTION 94-54.23 Flags.

A. One flag shall be permitted for each storefront or building.

B. Any displayed flag shall be installed so that the bottom edge of the flag shall be at least seven feet above the pavement, walkway, sidewalk, and/or step.

C. The flag may be displayed only for decorative purposes and/or for an expression of patriotism.

D. The flag may be displayed on a flagpole mounted to the exterior of a building or storefront or mounted freestanding.

E. The flag dimensions shall not exceed three feet in width, five feet in length and a total area of 15 square feet.

F. A business that has an exterior display of merchandise or a restaurant that has a bill-

of-fare easel shall not be permitted to display a flag. This flag display prohibition does not apply to the display of the flag of the United States of America.

G. A sign permit is not required for the display of a flag.

H. This section does not apply to and does not prohibit and/or regulate the display of flags on a single-family residence, two-family residence and on any federal, state, or local governmental structure or building.

ARTICLE XXV. ARTICLE X. SECTION 94-54.24 Sign permit required.

It shall be unlawful to erect, alter, maintain, use, reletter, move or otherwise have a sign in the Borough of Merchantville without first making application for and obtaining a sign permit. However, a permit shall not be required of any sign expressly exempted from that requirement by this Article or applicable law. A sign must also meet any and all requirements imposed by the State Building Code, and other applicable statutes, regulations and ordinances.

ARTICLE XXVI. ARTICLE X. SECTION 94-54.25 Sign permit not required.

There shall be no sign permit required for any of the following kinds of signs:

- A. Banners.
- B. Commercial informational signs.
- C. Legal nonconforming signs.
- D. Official signs.
- E. Political signs.
- F. Residential signs.
- G. Temporary signs.

- H. Temporary interior advertising signs.
- I A-frame signs.
- J. Bill of fare signs and/or Menus.
- K. Flags.
- L. Signs relettered on the same signboard using the same colors and fonts.

ARTICLE XXVII. ARTICLE X. SECTION 94-54.26 Application process.

A. All applications for sign permits shall be submitted on such forms and with such attachments as may be required by the Borough of Merchantville.

B. Ten copies of all forms and attachments shall be submitted unless the Zoning Officer deems a lesser quantity acceptable.

C. There shall be a fee of \$50 for a sign application. There shall be no fee required for any institutional or historical identification signs. One sign application shall include all signs on a tax lot for which the application has been made. The cost of any construction permit required for any approved sign shall be in addition to the fee for the sign application and shall be paid before any sign is erected or installed.

D. Once an application for a sign permit is submitted, the Zoning Officer shall review it within 10 days in order to determine whether it is complete. A complete application for a sign permit shall consist of the following items:

- (1) Drawings, or plans, of the proposed signage that:
 - (a) Are drawn to scale with appropriate dimensions depicted thereon.
 - (b) Show all proposed logos.
 - (c) Show all proposed lettering including the dimensions, style and font

thereof.

(d) Describe the colors of the proposed signage (or the applicant shall submit color swatches for the proposed signage).

(e) Depict the method of illumination, if any.

(f) Show the proposed location of the proposed signage including its location on the tax lot and on the building or structure as well.

(g) Depict all existing signage on the lot for which the signage is proposed.

(2) A statement describing:

(a) The material of which the proposed signage will be constructed or fabricated.

(b) The method by which the proposed signage will be attached to the building or structure.

(c) The method by which the applicant has calculated the area of the proposed signage.

(3) The name, address, phone number of the sign manufacturer and/or installer.

(4) Signature of the applicant or the owner of the proposed sign (who is presumed to be the applicant).

(5) Signature of the owner, or designated representative, of the tax lot for which the application is made.

E. The Zoning Officer shall also review the application to determine if it conforms to the appropriate sections of this Article. The Zoning Officer shall then issue a written decision indicating whether the proposed signage is in conformance and what aspects, if any, of the proposed signage are

not in conformance.

F. All applications for a sign permit shall be scheduled to be heard at the next meeting of the Historic Preservation Commission that is at least 10 days from the date the application was deemed complete.

ARTICLE XXVIII. ARTICLE X. SECTION 94-54.27 Approval process.

A. All signs permitted by this Article must be approved by the Historic Preservation Commission of the Borough of Merchantville per the provisions of this section unless exempted by this Article.

B. The Historic Preservation Commission may, in its review of an application for sign permit, consider the following factors:

- (1) The zone in which the sign is proposed to be located;
- (2) The surrounding streetscape;
- (3) Other existing or proposed signs;
- (4) The proposed sign's:
 - (a) Appearance;
 - (b) Color;
 - (c) Lettering;
 - (d) Size;
 - (e) Material;
 - (f) Design;
 - (g) Location;
 - (h) Position;

- (i) Method of attachment;
- (j) Lighting; and
- (k) Any other information deemed to be relevant to the Historic

Preservation Commission's review.

C. The Historic Preservation Commission shall have the authority to grant requests for waivers from the requirements of this Article as provided for in this Article. The Historic Preservation Commission does not have the authority to approve any sign application that does not conform to the provisions of this Article. Only the Joint Land Use Board may approve deviations from the provisions of this Article under the appeal process described below.

D. The Historic Preservation Commission shall approve, approve with conditions and/or waivers, or deny such application. The decision shall be made available to the applicant in writing within 10 days of the meeting.

ARTICLE XXIX. ARTICLE X. SECTION 94-54.28 Appeals.

A. Any applicant whose application for a sign permit has been deemed incomplete by the Zoning Officer; or has been deemed to be nonconforming signage by the Zoning Officer; or has been denied by the Historic Preservation Commission; or has been approved with conditions by the Historic Preservation Commission may appeal such decision, in writing, to the Merchantville Joint Land Use Board and must include additional copies of the applicable application documents as required by the Zoning Officer.

B. All such appeals shall be made within 30 days of the date of the written decision upon which the appeal is based and shall be on such forms as may be required by the Joint Land Use Board.

(1) Appeals from the decision of the Zoning Officer shall first be referred to the Historic Preservation Commission for its recommendation to the Joint Land Use Board. The appeal application shall be reviewed by the Historic Preservation Commission at its next regularly scheduled meeting that is at least 10 days after receipt of the appeal form. The appeal will then be heard by the Joint Land Use Board at its next regularly scheduled meeting.

(2) Appeals from the decision of the Historic Preservation Commission shall be heard by the Joint Land Use Board at its next regularly scheduled meeting that is at least seven days after receipt of the appeal form.

C. The Joint Land Use Board may, in its review of a written appeal, consider the Zoning Officer's written denial, the report of the Historic Preservation Commission, and any other information deemed to be relevant to the Board's review.

D. The decision of the Joint Land Use Board shall be transmitted, in writing, to the applicant.

E. Appeals from the decision of the Merchantville Joint Land Use Board must be made to the Superior Court of New Jersey in accordance with applicable law.

ARTICLE XXX. ARTICLE X. SECTION 94-54.29 Power to grant waivers.

The Historic Preservation Commission shall have the power to grant waivers from the strict requirements of this Article for the installation of certain signs, as follows:

A. Where by reason of the location of the tax lot, building or storefront, the Historic Preservation Commission concludes that it is reasonably necessary for the sign to be located on some other tax lot, building or storefront in order for the sign to adequately serve its function, the Historic Preservation Commission may grant a waiver from the provisions of this Article and permit a sign to

be located on some other tax lot, building or storefront, on the condition that the sign is included on the sign plan of that other tax lot, building or storefront.

B. Where by reason of the configuration of the tax lot, building or storefront, or by reason of the use or uses made of the tax lot, building or storefront, the Historic Preservation Commission determines that the architectural balance or integrity of the facade of the tax lot, building or storefront is protected, enhanced or preserved by approving additional signs for the tax lot, building or storefront, or that additional signs are reasonably necessary to identify the use or uses therein, the Historic Preservation Commission may waive the requirements of the appropriate sections of this Article and approve additional signs for the tax lot, building or storefront. In the event that such a waiver is granted, only one sign on the tax lot, building or storefront may include the name of the enterprise or establishment. This waiver will in no way change the size of the signs permitted on any one tax lot, building or storefront pursuant to this Article.

C. Where a retail, office, business or professional use desires to have a sign painted on glass on a building deemed to be historically significant, the Historic Preservation Commission may waive the requirements of this Article, and grant a permit for such a sign, but only in the event that the Historic Preservation Commission finds that because of the design and configuration of the tax lot, building or storefront, there is no other reasonable location for the sign that will adequately apprise the public of the location of the enterprise or the services or wares offered. In granting such a waiver, the Historic Preservation Commission may allow only part of the requested sign to be on a window, and require that the rest be located elsewhere.

ARTICLE XXXI. ARTICLE X. SECTION 94-54.30 Discretionary nature of

waivers.

Nothing in this Article shall be construed to mean that any tax lot, building or storefront is entitled to a waiver under this article as of right. Waivers are to be discretionary with the Historic Preservation Commission, and the Historic Preservation Commission may approve, approve with conditions, or deny any request for a waiver under this Article, and in its determination, the Historic Preservation Commission may consider the zone in which the sign is to be located, the surrounding streetscape and other existing or proposed signs, and the sign's appearance, color, lettering, size, texture of materials, design, location, position and method of attachment, and lighting.

ARTICLE XXXII. ARTICLE X. SECTION 94-54.31 Conformity with Article required.

It is the intent and purpose of this Article that, as soon as reasonably possible, all existing signs not conforming to the provisions of this Article be brought into conformity with the provisions hereof, or eliminated.

ARTICLE XXXIII. ARTICLE X. SECTION 94-54.32 Nonconforming signs.

Any sign located within the Borough of Merchantville for which a valid sign permit has been granted as of the date of the adoption of this Ordinance, or which predates any regulation of signs in the Borough of Merchantville, but which does not meet the requirements of this Article, shall be considered a legal nonconforming sign. It may continue in use until it loses its legal nonconforming status under this Article.

ARTICLE XXXIV. ARTICLE X. SECTION 94-54.33 Loss of nonconforming

status.

It is the intention of this Article that preexisting nonconforming signs be brought into conformity with this Article at the earliest possible date, subject to applicable law. Consequently, any alteration, change, destruction, demolition, removal, abandonment or other modification of a legally preexisting nonconforming sign shall, to the fullest extent permitted by law, be considered an abandonment of such legally preexisting nonconforming sign. Any such sign shall thereafter conform to all requirements of this Article.

ARTICLE XXXV. ARTICLE X. SECTION 94-54.34 Conforming signs.

A sign in existence as of the date of the adoption of this Ordinance, for which a valid sign permit has been granted, and which would meet the requirements of this Article had it received a waiver from the Joint Land Use Board or Historic Preservation Commission under this Article, shall be a conforming sign under this Article.

ARTICLE XXXVI. ARTICLE X. SECTION 94-54.35 Deviations.

In the event that a sign for which application has been made does not comply with the provisions of this Article, and there is no provision in this Article for the Historic Preservation Commission to grant a waiver, or in the event that an application for a waiver has been denied by the Historic Preservation Commission, that application can only be granted by way of an application to the Joint Land Use Board for a deviation, as provided by this Article.

ARTICLE XXXVII. ARTICLE X. SECTION 94-54.36 Maintenance.

All signs and awnings, including awnings with approved signs, shall be maintained by the owner of the sign. This maintenance shall include repainting, repairing and cleaning, as necessary. If the Zoning Officer determines that any sign or awning is in a state of disrepair so as to no longer be reasonably capable of presenting its message, or abandoned, or a danger to the public health or public safety, the Zoning Officer shall give written notice of the condition of the sign to the owner of the sign and to the owner of record of the tax lot. Either owner shall thereafter have 10 days to correct the unsatisfactory condition of the sign. If the unsatisfactory condition is not so corrected within the ten-day period, the Zoning Officer may thereafter take such actions as are permitted pursuant to the provisions of this article.

ARTICLE XXXVIII. ARTICLE X. SECTION 94-54.37 Abandoned signs.

Any sign which identifies any business, proprietor or owner which is no longer in existence or operation, or located upon the premises where the sign is located, shall be removed within 60 days after the cessation of the activity upon the premises. If any such sign remains on a premises for longer than 60 days, the Zoning Officer may thereafter take such actions as are permitted pursuant to the provisions of this article.

ARTICLE XXXIX. ARTICLE X. SECTION 94-54.38 Violations; penalties.

Any person, firm or corporation who or which shall violate any of the provisions of this Chapter shall, upon conviction thereof, be liable for penalties or any combination thereof as set forth in Chapter 1-9 of the Code of the Borough of Merchantville, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this

Chapter.

ARTICLE XL.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XLI.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

**_____
DENISE BROUSE, BOROUGH CLERK**

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on November 9, 2015. This Ordinance will be considered for adoption on final reading and public hearing to be held on December 14, 2015 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to adopt comprehensive changes to the regulations governing signage in the Code of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.